



COMMUNITY DEVELOPMENT DEPARTMENT

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

OCTOBER 22, 2002

PRESENT: Acevedo, Benich, Engles, Escobar, Lyle, Mueller

ABSENT: Weston

LATE: None

STAFF: Planning Manager (PM) Rowe, Associate Planner Tolentino, and Minutes Clerk Johnson

Chair Acevedo called the meeting to order at 7:00 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Acevedo opened the public hearing.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

MINUTES:

SEPTEMBER 24, 2002, COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE
SEPTEMBER 24, 2002 MINUTES, WITH THE FOLLOWING AMENDMENTS:

Page 4, bottom sentence and page 5 paragraph 6: public servants employees
Page 7, paragraph 2: (insert) *only the medical building and* the gas station.

THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLER, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE ; ABSENT: WESTON.

OCTOBER 8, 2002 COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE OCTOBER 8, 2002 MINUTES, WITH THE FOLLOWING AMENDMENTS:

Page 4: Second motion - amendments to be listed following the motion.

Page 5, bottom of the page (SE Creer speaking): ~~would be~~ is currently diverting

Page 6, paragraph 4: ~~right of way~~ set-back

Page 8, paragraph 8: ~~Hale Hill~~ *and* correct to read: For example, if a LGAF were to locate near the North West corner of Tennant/Hill, the facility location would cause issues for the City when the City is ready to develop in that area.

Page 9, paragraph 9: (change and correct) [happens]...if this use causes Butterfield to need either 6 lanes now or sooner than it would with less intensive uses?

THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLS, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE ; ABSENT: WESTON.

NEW BUSINESS:

1) DAA-00-05: A request for approval of a development agreement amendment to allow for an extension of time of time for construction of 13 single family units located along south side of Malaguerra Ave. located in a R1-20,000 RPD zoning district.
MALAGUERRA-MANCIAS

PM Rowe presented the staff report, telling Commissioners that the final map is in the review stage(s), with anticipated recordation in December. He explained that if the extension is given for 90 days, there may be a problem if the developer runs into inclement weather. Consequently, PM Rowe said, the Planning Staff is comfortable with recommending a six-months extension for both phases of the project.

Commissioner Benich said that inclement weather is an expected condition of construction and should be planned for when developers form their time-lines. He asked if this is the first extension asked for in this project?

PM Rowe revealed this to be the second extension, and went on to advise that the first extension had been due to a street redesign which resulted in the loss of two points with an amendment of the facets to ensure the point replacement was corrected. Furthermore, he continued, there were also issues with the water district which had to be resolved and that also played into the need for the extension.

Chair Acevedo opened the public hearing.

Pat Ansuini, Sr., 875 Bolsa Rd., spoke to the Commissioners, saying he is the applicant. He divulged that he is awaiting authorization from the Bank approving the loan for the project, further stating that he anticipates the CC&Rs to be completed and delivered 'any minute'. He assured the Commissioners that six months will be 'more than enough time' for completion of the project.

Mr. Ansuini told of the road redesign which had taken place, noting that it had 'included the area(s) from Malaguerra/Silver Wings all the way to Cochrane'. He informed the

Commissioners that he has received word from Senior Engineer Creer that the final improvements plan checks will be completed in early November. Mr. Ansuini assured Commissioners that he is working with the City to improve the streets from Malaguerra to Cochrane because he wants to ensure the points are reinstated.

With no others indicating an interest in addressing the matter, the public hearing was closed.

Commissioner Lyle expressed displeasure at the notion of giving a six-months extension. He said that while he is interested in having as many dwellings as possible completed as soon as possible because of potential impact on the numbers necessary for the Housing Element. Commissioner Lyle noted that a four-month extension would provide for commencement of the work by April 30 being feasible. "The developer should be able to commence work by April 30," he said.

Commissioner Mueller said that a 90-day or three-months extension will provide for commencement of work by March 30, 2003. He said that he would rather look at a longer extension rather than having the developer be 'cut short on time'. Commissioner Mueller suggested that the date of the 'obtain building permits' be established as February 28, 2003 and commencement of construction should be set at May 31, 2003. "I don't want him to have to come back; that takes too much time," Commissioner Mueller commented.

Commissioner Escobar indicated he favored a longer time period and therefore concurred with Commissioner Mueller's suggestion.

COMMISSIONERS MUELLER/ESCOBAR OFFERED RESOLUTION NO. 02-80 RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT APPLICATION DAA 00-05: MALAGUERRA-MANCIAS, NOTING THE DATE CHANGES IN EXHIBIT A: ITEM V. OBTAIN BUILDING PERMITS FEBRUARY 28, 2003 AND COMMENCE CONSTRUCTION MAY 31, 2003. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, MUELLER; NOES: LYLE; ABSTAIN: NONE ; ABSENT: WESTON.

**2) UP-02-07:
MONTEREY-
SINALOA**

A request for conditional use permit approval for the reconstruction and expansion of a restaurant recently destroyed in a fire. The restaurant is proposed to be 5,948 sf on 2 parcels totaling 0.90 acres in size, located on the northeast corner of Monterey Rd and Peebles Ave.

AP Tolentino presented the staff report, providing a brief history of the business along with an overview of the Municipal Code section dealing with the issue of the nonconforming use in replacement sequence. She went on to explain that because of the issues involved, the owner has requested, and staff concurs, that the matter be continued pending further data receipt.

Chair Acevedo opened the public hearing.

Jeff King, 17705 Hale Ave, #4, was present to represent the owners as he is the architect for the project. Mr. King said he is in agreement with the continuation of the item, and was present to answer questions.

Chair Acevedo noted that there were no others present to address the matter and declared the public hearing closed, asking Mr. King to remain for the discussion in the event questions

arose. Mr. King agreed to the action proposed.

Commissioner Mueller puzzled the choice of circa 1900 architecture? How, he asked, does it differ, for example, from the architecture of 1875? He specifically questioned the buildings in the area of Madrone which he claimed was established before 1900.

PM Rowe specified that the area was established, but the original buildings did not 'go back that far'.

Commissioner Mueller retorted that a statement is wanted here that sets the tone for further development. "What did the buildings of those eras look like?" he asked.

Mr. King entered the discussion saying that for the past 150 years, there has been a pluralism of styles, citing San Juan Bautista as an example of the 'crossover' during the 1800s with the use of adobe to the 1900s where there was an influx of art deco, art nuevo into the architectural styles, with more emphasis on the Victorian influences. Mr. King stated that for the area there was no definitive style, but he was trying to follow the recommendations of the archaeological consultant. He emphasized that the area is of historical importance, but the buildings were not, so there is an openness to interpretation. Mr. King explained that the drawings for the reconstruction of the restaurant are based on the building in San Juan Bautista.

Commissioner Benich said he agreed that the buildings are not of historic value, and there is need to think of the future. Commissioner Benich asked if the trees are to be retained?

Mr. King said in reading the arborist report, there is only one tree of significance, that being a pepper tree which some see as a nuisance.

Commissioner Benich said that is a large tree on the fence line which he would like to see preserved, rather than cut down as is proposed.

Mr. King said he didn't agree or disagree, but was following the recommendation of the arborist.

Commissioner Benich said there needs to be detail to the landscaping between Monterey Road and the restaurant.

Mr. King stated that the landscaping would conform to all current codes, further stating - in response to a question - that there appears to be a requirement of all utilities being underground. He continued that he anticipates the landscaping plan to be completed when the issue is on the agenda again.

PM Rowe also stated it is expected that the Historical Society will have a representative present at that hearing.

COMMISSIONERS MUELLER/BENICH MOTIONED TO CONTINUE UP-02-07: MONTEREY-SINALOA TO THE NOVEMBER 12, 2002 MEETING. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE ; ABSENT: WESTON.

OTHER BUSINESS:

**3) RDCS
QUARTERLY
REPORT**

PM Rowe presented the staff report, distributing the RDCS Quarterly Report to all Commissioners present. He noted that as of this Report, there are no more Measure E projects to track, those having been completed. He also acknowledged that there were only two projects which were showing signs of delinquency, and both those developers were working diligently to meet deadlines and/or extensions.

Commissioner Mueller said there is a need to include population estimates to provide a realistic view of the parameters of the upcoming Measure P allocations.

PM Rowe assured these will be included in the future.

Commissioner Mueller reported information received regarding action by the Federal Court of appeals, which says that the Census Bureau must release corrected counts. If the Court ruling stands, Commissioner Mueller indicated that the under count that was taken out will be replaced by a new under count correction that may be smaller or larger than the 440 that was taken out of the 1/1/02 population number. Commissioner Mueller cautioned that the case has not been finalized, an appeal is expected.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE RDCS QUARTERLY REPORT AS PRESENTED, TO BE FORWARDED TO THE MORGAN HILL CITY COUNCIL. THE MOTION PASSED WITH THE UNANIMOUS CONSENT OF ALL COMMISSIONERS PRESENT, WITH WESTON ABSENT.

**4) MULTI-
FAMILY
VACANCY
RATE REPORT**

PM Rowe presented the staff report, again distributing the report to Commissioners. PM Rowe said that since the last report, the vacancy rate has increased, which appears to be indicative of the recent slow down in the economy.

Commissioner Lyle called attention to the need to correct the date in paragraph 4 (January 1, 2002).

Commissioner Benich asked why the report was being studied?

PM Rowe explained that the City according to Municipal Code, each year in April and October, sets the vacancy rate which may then trigger conversion of apartment units to condominiums. Ownership status can change according to the rates ascertained and set by the City, he said. PM Rowe stated that the official vacancy rate must be set by the Planning Commission before official action can be taken by the City.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO ACCEPT THE SURVEY RESULTS, ESTABLISHING THE VACANCY RATE FOR OCTOBER, 2002 AT 3%. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE ; ABSENT: WESTON.

ANNOUNCEMENTS:

Commissioner Mueller caused distribution of the Greenbelt alliance booklets.

Commissioner Lyle reminded that the Commissioners have one point which can be assigned during the Measure P upcoming allocation process. He asked the matter to be agendaized for discussion. Commissioner Lyle also asked that the holiday schedule be set at the November 12, 2002 meeting.

Commissioner Mueller asked that a housing element update be provided at the first meeting in November, providing data has been received from the state and staff has time to assimilate it for presentation.

Chair Acevedo requested future discussion on the printing and placement of street signs in newly developed areas, stating that there is inconsistency in the size of the lettering.

ADJOURNMENT: There being no further business, Chair Acevedo adjourned the meeting at 7:40 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk